

1 JILL P. TELFER (State Bar No. 145450)
2 LAW OFFICES OF JILL P. TELFER
3 *A Professional Corporation*
4 331 "J" Street, Suite 200
5 Sacramento, California 95814
6 Telephone: (916) 446-1916
7 Facsimile: (916) 446-1726

8 Attorney for Plaintiff
9 **MICHAEL ASBERRY**

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 MICHAEL ASBERRY,) **CASE NO. CIV S.-04-2467 LKK PAN**
12 Plaintiff,) **[PROPOSED] ORDER GRANTING**
13 v.) **PLAINTIFF'S REQUEST TO LIFT THE**
14 CITY OF SACRAMENTO, DOES 1-20) **PROTECTIVE ORDER AS TO THIRD**
15 inclusive) **PARTY PERSONNEL DOCUMENTS**
16 Defendants.)
17 _____)

18 Plaintiff Michael Asberry requests this Court to lift the June 8, 2005 Protective Order regarding
19 third party personnel documents of employees and/or former employees which plaintiff argues are
20 similarly situated to him. The subject documents were produced to Chambers on August 3, 2005 and
21 include records of Joel C., Olivia J., Herman L., Terence D., and Clyde M. The defendant does not
22 oppose the request so long as the subject documents may only be used in this litigation and that all
23 substantive evidentiary objections be maintained to the admission of the documents at the time of trial.

24 After considering the Joint Statement submitted by the parties, the Courts records and files in this
25 matter, and a review of the documents submitted to chambers,

IT IS HEREBY ORDERED AS FOLLOWS:

26 **The COURT HEREBY GRANTS** Plaintiff's Request to Lift the Protective Order as to the
27 Documents submitted to Chambers so that the parties may use the documents during this litigation in

28
[PROPOSED] ORDER

1 discovery, motion practice and at trial, with the caveat that those documents may be filed and/or made
2 part of the record in this case in connection with any legitimate bona fide motion that may be necessary
3 and may be offered in evidence at trial subject to any substantive evidentiary objections.

4 **IT IS SO ORDERED.**

5 Dated: August 31, 2005.

6 /s/ Peter A. Nowinski
7 PETER A. NOWINSKI
8 Magistrate Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28